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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,404	03/26/2004	Philip H. Doragh	200316637-1	3286

22879 7590 10/01/2008
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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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10/01/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/811,404	Applicant(s) DORAGH ET AL.	
	Examiner JEAN A. GELIN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-29 and 33-38 is/are rejected.
- 7) ☒ Claim(s) 11-13 and 30-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Applicant's Appeal Brief filed on February 07, 2008 in which claims 1-38 are currently pending. Applicant's arguments in the Appeal Brief are persuasive. Therefore, the finality of the rejection of the last Office has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 and 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 7,020,472) in view of Lo et al. (US 2003/0179725).

Regarding claims 1, 20, Schmidt teaches transmitting, from a wireless local area network (LAN) device of a host device (100) to an access point of a wireless network, a request to disassociate from said access point (i.e., the WLAN signal is weak, the device 100 sends a deregistration message to the WLAN system, col. 7, lines 5-18) and switching off a transceiver of said wireless LAN device after transmission of said disassociate request (i.e., upon deregistration the short range transceiver is turned off, col. 7, lines 5-18 and lines 55-67).

Schmidt does not specifically teach a request to monitor for wake events for said host device.

However, the preceding limitation is known in the art of communications. Lo teaches when the host device goes into a reduced power only packet that meets that meets the criteria provided by the host device are allowed to wake up the host device, in response to the wake up call from the access point the host device is awakened by the station ([0022]-[0023]). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Lo within the system of Schmidt in order to reject unnecessary packet and transmit to the host device packet that meets the conditions to wake up the host device.

Regarding claims 2, 21, Schmidt in view of Lo teaches all the limitations above. Schmidt further teaches said wireless network comprises a wireless LAN (i.e., device sends deregistration message to the WLAN, col. 7, lines 5-18).

Regarding claims 3, 22, Schmidt in view of Lo teaches all the limitations above. Schmidt further teaches switching on said transceiver of said wireless LAN device (i.e., turned off the cellular transceiver and power on the WLAN transceiver, col. 6, line 49 to col. 7, line 40).

Regarding claim 4, 23, Schmidt in view of Lo teaches all the limitations above. Schmidt further teaches switching on said transceiver of said wireless LAN device in response to occurrence of an event (col. 5, line 49 to col. 6, line 5).

Regarding claims 5, 24, Schmidt in view of Lo teaches all the limitations above. Schmidt further teaches switching on said transceiver of said wireless LAN device after a predetermined time period (col. 5, line 49 to col. 6, line 4).

Regarding claims 6, 25, Schmidt in view of Lo teaches all the limitations above. Schmidt further teaches transmitting a request inquiring whether at least one wake event for said host device occurred while said transceiver was switched off (i.e., when the WLAN transceiver is turned off, information can be received via the cellular transceiver, col. 5, line 49 to col. 6, line 39).

Regarding claims 7, 26, Schmidt in view of Lo teaches all the limitations above. Schmidt further teaches wherein said transmitting said request comprises transmitting said request to said access point monitoring for wake events for said host device (i.e., sending a registration message to WLAN and power on the Bluetooth col. 5, line 49 to col. 6, line 18).

Regarding claims 8, 27, Schmidt in view of Lo teaches all the limitations above. Schmidt further teaches switching said host device to an operating mode in response to receiving an indication that at least one wake event for said host device occurred while said transceiver was switched off (col. 5, line 49 to col. 6, line 39).

Regarding claims 9, 28, Schmidt in view of Lo teaches all the limitations above. Schmidt further teaches switching off said transceiver of said wireless LAN device in response to receiving an indication that no wake event for said host device occurred while said transceiver was switched off (col. 5, line 50 to col. 6, line 38).

4. Claims 14-19 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Oar (US 2003/0159074).

Regarding claims 14 and 33, Schmidt teaches receiving, from a wireless local area network (LAN) device of a host device (100), a request to disassociate from an access point (i.e., the device 100 sends a deregistration message to the WLAN system, col. 7, lines 5-18).

Schmidt does not specifically teach said request to monitor for at least one wake event for said host device and transmitting, in response to receiving a request for a wake event status, a wake event status indicating whether at least one wake event for said host device occurred.

However, the preceding limitation is known in the art of communications. Oar teaches the computing system responds to an event that wakes the computing system from a sleep mode, the computing system recognizes the event and responds to the event, and the response includes an event notification message ([0009], [0017]) and after the computing device wakes up to handle an event, the computing device sends out an event notification message to the user ([0019]-[0022]). Therefore, it would have been obvious to one of ordinary skill in the art of the invention, to implement the technique of Oar within the system of Schmidt in order to inform user about all events without unnecessary drainage of the battery.

Regarding claims 15 and 34, Schmidt in view of Oar teaches all the limitation above. Schmidt further teaches monitoring for at least one wake event for said host device (i.e., sending a registration message to WLAN and power on the Bluetooth col. 5, line 49 to col. 6, line 18).

Regarding claims 16 and 35, Schmidt in view of Oar teaches all the limitation above. Schmidt further teaches receiving said request for said wake event status from said wireless LAN device (col. 5, line 49 to col. 6, line 18).

Regarding claims 17 and 36, Schmidt in view of Oar teaches all the limitation above. Schmidt further teaches determining whether said wireless LAN device from which said request for said wake event status is received is a known wireless LAN device (col. 5, line 48 to col. 6, line 40).

Regarding claims 18 and 37, Oar teaches all the limitations as recited in the claims except determining a second access point of said wireless network in response to said wireless LAN device not being within range of said first access point (i.e., when WLAN signal is not strong or out of range, the device switches to cellular which is the second access point, col. 5, line 50 to col. 6, line 60).

Regarding claims 19 and 38, Schmidt in view of Oar teaches all the limitation above. Schmidt further teaches updating a status of said wireless LAN device in an association table of said access point in response to determining that at least one wake event for said host device has occurred (col. 5, line 50 to col. 6, line 67).

Allowable Subject Matter

5. Claims 11-13 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to 1-10, 14-29, and 33-38 have been fully considered and are persuasive. The previous rejection of claims 1-38 has modified as recited to clarify the rejections.

The Applicant argues that the prior arts of record fail to teach said request to monitor for at least one wake event for said host device. However, the Examiner disagrees with the preceding arguments. Lo teaches when the host device goes into a reduced power only packet that meets that meets the criteria provided by the host device are allowed to wake up the host device, in response to the wake up call from the access point the host device is awakened by the station ([0022]-[0023]). Oar also teaches the computing system responds to an event that wakes the computing system from a sleep mode, the computing system recognizes the event and responds to the event, and the response includes an event notification message ([0009], [0017]) and after the computing device wakes up to handle an event, the computing device sends out an event notification message to the user ([0019]-[0022]). It is clear that both Lo and Oar disclose the host device is awakened upon the occurrence of an event. Therefore, the rejection is maintained.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Ginzburg et al.	US 2004/0264396	12/30/2004
Kerr	US 6,691,071	02/10/2004
Lindskog et al.	US 2001/0031626	10/18/2001

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN A. GELIN whose telephone number is (571)272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin
September 29, 2008

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/Jean A Gelin/

Primary Examiner, Art Unit 2617